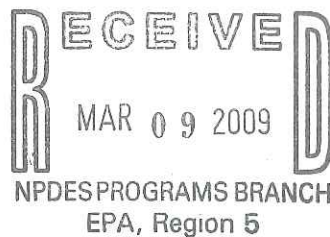


PLANNING COMMISSION

Brown County

305 E. WALNUT STREET, ROOM 320
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600

PHONE (920) 448-6480 FAX (920) 448-4487
WEB SITE www.co.brown.wi.us/planning



CHUCK LAMINE, AICP

PLANNING DIRECTOR

March 5, 2009

Brian Bell
US EPA Region 5
Mail Code: WN-16J
77 W. Jackson Blvd.
Chicago, IL 60604-3590

RE: Resubmittal of the Brown County, Wisconsin, Notice of Intent (NOI) to Apply for Coverage Under MS4 General Permit

Dear Mr. Bell:

After a series of emails and a telephone conversation that you and I had over the past few months, we came to the conclusion that the EPA no longer has a copy of the Brown County, Wisconsin, NOI to Apply for Coverage Under MS4 General Permit. The NOI was originally submitted to the EPA on June 2, 2006. Please accept the enclosed duplicate copy for the purposes of the subject permit application.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read "Peter Schleinz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter Schleinz
Senior Natural Resource Planner

PS:lw

Enclosures

RECEIVED

JUN 05 2006

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

Notice of Intent to Apply for Coverage Under MS4 General Permit

Form 3400-191 (R 3/06)

DNR GREEN BAY

Notice: This application is authorized by s. 283.37, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code. Personally identifiable information on this form may be used for other program purposes and may be made available to requestors under Wisconsin's Public Records laws and be posted on the Department's internet site.

Instructions: Complete the following for all permit applications. If additional space is needed to respond to a question, attach additional pages. Provide descriptions below that explain the program activities that you expect to develop and implement to comply with the Municipal Separate Storm Sewer System (MS4) general permit (<http://dnr.wi.gov/org/water/wm/nps/stormwater/muni.htm>). Section 3 of the MS4 general permit contains the compliance schedules that direct when the individual program activities need to be developed and submitted to the Department for review. The detailed programs that are developed and submitted to the Department for review may deviate from the program activities described below if necessary. The descriptions provided below are necessary for the Department to verify that the municipality's program activities comply with the permit.

Section I: Applicant Information

Name of Municipality

Brown County

Mailing Address

305 E. Walnut St., Room 320

City

Green Bay

State

WI

Postal Code

54301

County(s) in which Applicant is located

Brown County

Type of Municipality: (check one)

☒ County ☐ City ☐ Village ☐ Town ☐ Other (specify)

Section II: Local Contact Information (check one)

Name of Municipal Contact Person

Peter Schleinz

Title

Senior Planner

Mailing Address

305 E. Walnut St., Room 320

City

Green Bay

State

WI

Postal Code

54301

E-mail address

Schleinz PJ@co.brown.wi.us

Telephone Number (include area code)

(920) 448-6480

Fax Number (include area code)

(920) 448-4487

Section III: Water Quality Concerns

| Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does any part of the MS4 discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) listed under s. NR 102.10 or 102.11, Wis. Adm. Code? (An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/wqs/) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Does any part of the MS4 discharge to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C)? (A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html) |

Section IV: Area and Population Within the MS4

| Yes | No | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the MS4 within an "Urbanized Area" as defined by U.S. EPA? (See http://www.epa.gov/npdes/pubs/fact2-2.pdf) |

If no, skip the rest of this section and continue to Section V. If yes, estimate the area served by and the population within the MS4 in an Urbanized Area (UA).

(Urbanized Area maps are available on the EPA web site at: <http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm>)

| | |
|---|--|
| Total municipal area (in square miles): | Total municipal population (in year 2000): |
| 529 | 226,778 |
| MS4 service area within Urbanized Area (in square miles): | Municipal population within Urbanized Area (in year 2000): |
| 131.48 | 192,561 |

Section V: Potential Permit Exemption

| Yes | No | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Section NR 216.023, Wis. Adm. Code, allows certain MS4s that have less than 1000 people residing in an urbanized area to be waived from having to obtain municipal storm water permit coverage. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Do you believe that the MS4 may be eligible for this potential exemption? |

Section VI: Summary of Municipal Storm Water Program Activities

Describe the programs or activities the municipality is doing or will do to comply with the requirements of the MS4 general permit. Attach additional pages if necessary.

A. Public Education and Outreach

Describe the public education and outreach program activities that the municipality will implement to comply with section 2.1 of the MS4 general permit.

B. Public Involvement and Participation

Describe the public involvement and participation program activities that the municipality will promote to comply with section 2.2 of the MS4 general permit.

C. Illicit Discharge Detection & Elimination

Describe the illicit discharge detection and elimination program activities that the municipality will develop and implement to comply with section 2.3 of the MS4 general permit.

D. Construction Site Pollution Control

Describe the construction site pollutant control program activities that the municipality will develop and implement to comply with section 2.4 of the MS4 general permit.

E. Post-Construction Site Storm Water Management

Describe the post-construction storm water management program activities that the municipality will develop and implement to comply with section 2.5 of the MS4 general permit.

F. Pollution Prevention

Describe the pollution prevention program activities that the municipality will implement to comply with section 2.6 of the MS4 general permit.

Section VII: Certification

I hereby certify that I am an authorized representative of the municipality that is the subject of this application for general permit coverage, and that the information provided is true and complete, to the best of my knowledge. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Name

Peter Schleinz

Title

Senior Planner

Signature

Peter Schleinz

E-mail address

Schleinz PJ@co.brown.wi.us

Telephone Number (include area code)

(920) 448-6480

Fax Number (include area code)

(920) 448-4487

Date Signed

02 Jun 2006

Return this completed form to:
Wisconsin Department of Natural Resources
Storm Water Program - WT/2
PO Box 7921
Madison, WI 53707-7921

DNR MS4 General Permit Notice of Intent (NOI)

2.0 General Information

Brown County is a member of the Northeast Wisconsin Stormwater Consortium (NEWSC). NEWSC's mission is to facilitate efficient implementation of storm water programs locally and regionally that will meet DNR and EPA regulatory requirements and maximize the benefit of storm water activities in the watershed by: fostering partnerships, sharing information, seeking administrative efficiencies, and pooling financial resources.

Brown County identified the following properties potentially requiring a Municipal Separate Storm Sewer Systems (MS4) General Permit:

- Brown County Highways
- Austin Straubel International Airport
- Brown County Parks
- Other Brown County owned property and buildings

Brown County Highways

It appears that the following Brown County highways located within the Green Bay Urbanized Area may require a MS4 General Permit:

CTH B, D, F, G, H, J, M, N, O, V, X, EB, EE, GV, HH, HS, JJ, PP, VK, XX, YY, AAA

Within Oneida Nation: CTH G, EB, EE, FF, GE, VK

Please note that some of the above highways repeat due to being inside and outside of the Oneida Nation boundaries.

Austin Straubel International Airport

Austin Straubel International Airport, owned by Brown County, may not require inclusion in this NOI because the following permits have been obtained:

A Storm Water Management Plan (SWMP) approved by the DNR

A WPDES General Permit

It appears that portions of the airport facility and operations are not covered by the above or other applicable permits. Therefore, those facilities will be considered for inclusion in this General Permit application. Because the airport lies within the boundary of the Oneida Nation Reservation, EPA review will be required rather than DNR review.

Brown County Parks

Brown County Park properties currently within the Urbanized Area would be covered under a local municipality MS4 jurisdiction. The following Brown County Park facilities are located within communities that charge storm water fees paid through water bills, etc.:

Brown County Fairgrounds – City of De Pere
Pamperin Park – Village of Howard

Fox River Trail & Mountain Bay Trail

The Brown County Parks Department maintains the Fox River Trail, a pedestrian/bicycle trail that follows the Fox River. The Brown County Parks Department also maintains the Mountain bay Trail, a pedestrian/bicycle trail on the west side of the Urbanized Area. The properties are owned by the State of Wisconsin, thus, after discussion with the DNR, the trails are not required as part of this NOI. At the present time, maintenance of the trails do not include the usage of sand, salts, etc., for snow removal.

Triangle Park

A portion of Triangle Park, within the City of Green Bay, is owned by Brown County. The maintenance and operation of the park is contracted to the City of Green Bay. The naturally wooded area has unpaved trails and slopes toward Baird Creek. The site has a parking lot and structure. It appears that the natural character of the site produces minimal pollution. This site will be further investigated for inclusion with the General Permit.

Other Brown County owned property and buildings

After review of other Brown County owned property, it appears that Brown County offices, located in the City of Green Bay, are connected to existing MS4 systems operated by the City. A fee is paid for storm water, thus, the buildings will comply with the local municipality regulations. The buildings include the Brown County Courthouse, Sheriff's Department, Northern Building, Sophie Beaumont Building, Brown County UW-Extension Office, and the Health Department Building. The Materials Recycling Center, located in the Village of Ashwaubenon, is connected to an existing local MS4 system operated by the Village.

The Bayport Dredged Material Disposal Facility lies on the Bay of Green Bay, within the City of Green Bay. This facility is not connected to the City's SW4, however, the site has a WPDES General Permit. After discussion with the DNR, this subject site is not required to be part of this NOI because of the WPDES General Permit.

All other Brown County owned property within the Urbanized Area not described above, are connected to local storm water service. The local community will determine the needs and requirements for proper storm water management.

2.1 Public Education and Outreach

As a NEWSC member, Brown County participated in the sponsorship of a Community-Based Social Marketing Workshop (CBSM), the implementation of a phone survey to over 400 area residents, promotion of storm water related public service announcements and an episode of an "It's Your Environment" television program.

The Community-Based Social Marketing Workshop was held on June 10, 2005, with Doug McKenzie-Mohr. Through this workshop community employees and area educators learned the basic components of Community-Based Social Marketing and how to incorporate these steps into local programs that change individual behaviors as they relate to storm water practices. Effective programs have gone "beyond brochures", examining the barriers and benefits of behaviors to build a foundation for successfully getting people to make behavior changes.

NEWSC implemented a phone survey of residents in Brown, Calumet, Fond du Lac, Outagamie, and Winnebago counties. The phone survey was conducted by St. Norbert College from October 18 through November 7, 2005, and reached 404 area residents. The purpose for the survey was three-fold. The first was to evaluate the current storm water awareness level of area residents, including their knowledge of where storm water goes and what contributes to storm water pollution. The second was to gather data about individual behaviors affecting storm water by identifying the barriers, benefits, or motivations that affect these behaviors. Finally, information from the survey was intended to assist the NEWSC Information and Education Committee (I&E) in selecting target markets and creating a focus for educational goals, tools, and practices.

NEWSC promoted storm water education to the public through the Fox Cities Viewpoint Public Service announcements. These were aired on WHBY and reached a listening audience bounded on the west by Waupaca, the north by Marinette, the east by Manitowoc, and the south by Fond du Lac. The viewpoints were promoted from June through November, 2005, and included storm water tips on the following topics: lawn mowing, car washing, lawn pesticides, lawn fertilizers, and leaves.

NEWSC orchestrated an episode of the "It's Your Environment" TV program to have a storm water focus. The episode was broken into 3 segments with a focus on state-level regulations, education, and local participation. It aired on Channel UPN 32, Saturday, December 17, 2005.

The majority of Brown County affected sites used by the public are County highways. Although all areas of pollution will be observed, the focus will be on street and waterway impacts. This is because affects on storm water on property and within buildings would be duplicated by local municipalities.

Goals:

- Brown County will submit a public education and outreach program to the DNR within 18 months of permit coverage.

- Brown County will use the NEWSC I&E plan as a model for suggestions on strategies to meet local educational goals, for guidance on how to develop the Brown County I&E plan, and for insight on how to work with NEWSC to achieve local goals.
- Work with local municipalities, UW-Extension, and NEWSC on combined educational/outreach for industrial, commercial, and residential properties.
 - Identify target audiences for educational activity for property adjacent to County highways
 - Distribute educational materials to business owners and operators
 - Promote the "Green Certification" program
 - Create a contact telephone number and develop a web-based site that provides descriptions for environmentally sensitive areas (ESA) within Brown County, along with a clear identification of what can and cannot be done within the ESA
 - Provide education materials for County Highway workers
 - Provide educational materials for street salt and street sweeping needs for County Highway staff
 - Investigate alternative products
- Provide environmentally sensitive area (ESA) information for existing and new property owners with ESAs on property. Provide similar data for developers.
- Create methods to promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems.
- Use the results from the 2005 storm water survey to identify audiences and behaviors regarding proper management of materials that may cause storm water pollution from sources including automobiles, pet waste, household hazardous waste, and household practices.
- Promote beneficial storm water practices including: onsite reuse of leaves and grass clippings, proper use of lawn and garden fertilizers and pesticides, management of stream banks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways, infiltration of residential storm water runoff from rooftop downspouts, driveways, and sidewalks.
- Inform and, where appropriate, educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install, and maintain the practices.
- Identify businesses and activities that may pose storm water contamination concerns and, where appropriate, educate specific audiences on methods of storm water pollution prevention.

- Promote the preservation of environmentally sensitive land adjacent to development activity with land developers and designers.

NEWSC Resources:

Topic Packets (include Public Service announcement wording, tip sheet, UW-Extension educational handout link) – available on the website on the following topics:

- Car Care
- Lawn Mowing and Watering
- Weeds and Pesticides
- Fertilizer
- Leaves
- Pet Waste
- 2005 Storm Water Survey Results – available on the website
- Model Information and Education Plan – in progress
- Nonpoint Education for Municipal Officials (NEMO) Presentations – available
- Erosion Control Training Package for 1 & 2 Family Dwelling Construction – available on the website

Brown County Resources:

Brown County Planning Commission staff provides telephone and e-mail information related to ESAs, including:

- Karst features
- Steep slopes
- Wetlands
- Drainageways
- Waterways
- Floodways
- ESA buffers established by Brown County
- Notice of potential WDNR and ACOE regulations

2.2 Public Involvement

Goals:

- Brown County will submit a program for public involvement and participation to the DNR within 18 months of permit coverage. The program will include public notification regarding the activities performed as part of the program and the participation and compliance of applicable state and local public notice requirements.
- Involve local governments, businesses, and citizens in making decisions about storm water management programs and priorities.
- Create a staff committee, including representatives from affected Brown County departments at a minimum, to lead the development of educational materials and to facilitate the development and implementation of required ordinances.
- Develop format and hold annual public informational meetings related to storm water management and future requirements, possibly in cooperation with municipalities within and outside of urbanized area.
- Develop a web and telephone based hotline for telephoning storm water issues that the public is familiar with. Track number and location of storm water issues over time.
- Identify County highways with storm drains and drain locations. Stencil drains to involve and inform public about where storm water leads from County highways.

2.3 Illicit Discharge Detection and Elimination

Goals:

- Brown County will submit an Illicit Discharge Detection and Elimination Ordinance to the DNR within 24 months of permit coverage.
 - The NEWSC Model Illicit Discharge Detection and Elimination Ordinance will be used as a base model. Once adopted, this ordinance provides the necessary regulatory authority to detect and remove illicit connections and discharges to the MS4.
- Brown County will submit illicit discharge response procedures to the DNR within 24 months of permit coverage.
 - Brown County will use the Spill Notification Procedure to illustrate the flow of communication between Brown County and the DNR.
 - The Spill Notification Procedure will include the names and contact numbers of those who should be involved in a spill situation.
 - The procedure will require immediate notification of the DNR in the event of a spill or release of a hazardous substance.
 - The Spill Hotline number will be posted on the Brown County website at www.co.brown.wi.us.
 - Emergency spills are currently telephoned in using the 911 system, which connects the spill situation to the Fire Department for evaluation and reporting to appropriate entities.
 - Brown County will update this information annually or more frequently if there are changes in management or personnel.
- Brown County will develop a GIS map identifying location and types of storm drain systems within the urbanized area.
 - Inventory and prioritize sites requiring inspection.
 - Inventory sites of reported illegal commercial, residential, and recreational dumping and completed cleanups.
 - Inventory private property connections and waterway connections to street-side ditches and water conveyance systems.
- Brown County will create and follow a schedule for field screening of all major outfalls during dry weather periods. Initial field screenings will be implemented within 36 months of permit coverage.
 - The field screenings will include visual observations and field analysis. Brown County will work with NEWSC to create standard visual observation sheets that will be used to streamline this process.
- Brown County will submit a program for on-going dry weather field screening of outfalls to the DNR within 36 months of permit coverage.

NEWSC Resources:

- Model Illicit Discharge Detection and Elimination Ordinance – available on the NEWSC website
- Model spill procedures notification flowchart – in progress
- Field screening sheets – pending

Brown County Resources:

- Website notification information for Spill Hotline – in progress
- Map of all Brown County owned lands and County highways within 2000 urbanized area with streams and hydrology identified

2.4 Construction Site Pollutant Control

Brown County will submit a Construction Site Pollutant Control Ordinance to the DNR within 18 months of permit coverage. The NEWSC Model Construction Site Erosion Control Zoning Ordinance will be used as a base model. Once adopted, this ordinance provides the necessary regulatory authority to require erosion and sediment control at construction sites and ensure compliance.

The Construction Site Pollutant Control Ordinance and the following goals will primarily be designed to apply to Brown County construction site projects. Secondly, the Construction Site Pollutant Control Ordinance will be designed to address local projects where a local municipality passes ordinance enforcement authority over to Brown County.

Goals:

- Brown County will identify appropriate and current erosion and sediment control measures for Brown County construction sites in advance of construction, during construction, and after construction.
- Brown County will determine what staff or consultants will be responsible for Brown County site inspection and enforcement. Brown County will submit construction site inspection and enforcement procedures to the DNR within 18 months of permit coverage.
- Brown County will encourage contractor certification and inspector training that provides a common understanding of construction site pollutant and dust control. This includes ensuring a common understanding of silt fence, sodding, soil roughening, and spill prevention for Brown County construction sites, storm drain protection, diversion dikes, slope drains, stream crossings, vegetated buffers, vehicle maintenance/washing areas, and wind/sand fences.

Brown County has and will continue to require placement of Best Management notes on all new land divisions. The note is strongly encouraged on retracement and combination CSMs for existing/developed properties.

NEWSC Resources:

- Model Construction Site Erosion Control Zoning Ordinance – in progress
- Erosion Control Training Package for 1 and 2 Family Dwelling Construction (available on the NEWSC website to members):
 - PowerPoint Presentation
 - Erosion Control Notice to Comply Inspection Report Form
 - Erosion Control and Storm Water Management Permit Application for 1 & 2 Family Dwelling Construction Sites
 - Erosion Control and Storm Water Management Permit for 1 & 2 Family Dwelling Construction Sites
 - Stop Work Order and Door Hanger Notice

- Erosion Control Construction Inspection Report Form
- Erosion Control for Homeowners- handout
- Standard Erosion Control Plan and Checklist

Brown County Resources:

- The Wisconsin Construction Site Handbook – Developed by DNR
- The Wisconsin Stormwater Manual – Developed by DNR

2.5 Post-Construction Storm Water Management

Brown County will submit a Post-Construction Storm Water Management Ordinance to the DNR within 18 months of permit coverage. The NEWSC Model Post-Construction Storm Water Management Zoning Ordinance will be used as a base model. Once adopted, this ordinance provides the necessary regulatory authority which controls the quality of discharges from areas of new development and redevelopment, after construction is completed.

The Post-Construction Storm Water Management Ordinance and the following goals will primarily be designed to apply to Brown County construction site projects. Secondly, the Post-Construction Storm Water Management Ordinance will be designed to address local projects where a local municipality passes ordinance enforcement authority over to Brown County.

Brown County will create and submit long-term maintenance procedures to the DNR within 18 months of permit coverage.

Goals:

- Implement initial field screenings within 36 months of permit coverage.
- Reduce the volume and improve the quality of storm water runoff by identifying and disconnecting impervious surfaces that allow structural storm water controls to be installed and maintained.
- Identify the number of impervious County road surfaces in new developments and redevelopment areas that are directly connected to waters of the State without water quality improvement systems. Identify methods for water quality improvement.
- Develop a GIS map that identifies locations requiring post-construction storm water management with timelines.
- Identify alternatives such as paver systems, bioretention, buffer zones, catch basins, easements, detention ponds, the need for curb and gutter systems, swales, filter strips, green parking, on-lot treatment, and additional necessary best management inspection and maintenance for post-construction sites.

NEWSC Resources:

- Model Post-Construction Storm Water Management Zoning Ordinance – in progress

2.6 Pollution Prevention

Brown County will submit a pollution prevention program to the DNR within 24 months of permit coverage. This plan will include a schedule for routine maintenance of municipally owned and operated structural storm water management facilities to maintain efficiency. The plan will also include a schedule for routine street sweeping. Proper disposal of street sweeping and catch basin cleaning waste and road salt/deicer use will also be addressed.

Goals:

- Ensure proper management of leaves and grass clippings and application of lawn and garden fertilizers on municipally controlled properties.
 - This includes site-specific nutrient application schedules based on appropriate soil tests.
 - Procedures will include storm water pollution prevention planning for municipal garages, storage areas, and other sources of storm water pollution from municipal garages.
- Adopt measures to reduce municipal sources of storm water contamination within source water protection areas.
- Identify areas where illegal dumping is common, and control is needed most.
- Encourage the use of alternative products that create less waste, particularly on lawns adjacent to County highways and for vehicles utilizing County highways.
- Encourage vehicle maintenance to reduce and eliminate leakage onto County highways and into adjacent water conveyance systems.
 - Discourage and eliminate the cleaning/washing of private vehicles on County highways.
- Establish a system for maintenance and inspection of water conveyance systems along County highways.
- Develop an annual pollution prevention training workshop opportunity for staff responsible for grounds maintenance and landscaping at public facilities, as well as for elected officials.

NEWSC Resources:

- Nonpoint Education for Municipal Officials (NEMO) PowerPoint presentation – NEWSC Coordinator